

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

CRUZ VILLAR,

Defendant.

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Criminal No. 1:18-cr-10362-IT

MEMORANDUM & ORDER
November 27, 2023

TALWANI, D.J.

Pending before this court is Defendant Cruz Villar's Motion for Termination of Supervised Release [Doc. No. 86].

Title 18, Section 3583 of the United States Code empowers this court to terminate a term of supervised release in accordance with Fed. R. Crim. P. 32.1, after the expiration of one year of supervised release and consideration of certain of the sentencing factors found at 18 U.S.C. § 3553, when such action is warranted by a defendant's conduct and the interests of justice. On review of the record and given the government's opposition, the court finds that early termination of Defendant's term of supervised release is not yet warranted.

While the court notes Defendant's meritorious conduct, see Def.'s Motion 2 [Doc. No. 86], the court already has accounted for Defendant's presentence rehabilitation in imposing a downwards variance in Defendant's sentence. See Amended Judgment [Doc. No. 75]. Moreover, the court's initial order of five years of supervised release, which also took into account the downwards variance in Defendant's sentence, was intended to ensure that Defendant would not recommence illegal conduct, considering the seriousness of Defendant's underlying offense. This justification remains relevant where Defendant reportedly has failed to submit monthly status

reports to probation for all but one month in 2023. Gov. Resp. [Doc. No. 88].

For the aforementioned reasons, Defendant's Motion for Termination of Supervised Release [Doc. No. 86] is DENIED without prejudice. If Defendant rectifies his noncompliance with the monthly status report requirement and continues to comply with the remaining terms of his supervised release, the court may consider shortening the term of supervised release at a later date.

IT IS SO ORDERED.

Date: November 27, 2023

/s/ Indira Talwani
United States District Judge